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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/609,714	06/30/2000	Stefan Hack	7781.0013-0	2503

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EXAMINER

HECK, MICHAEL C

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 08/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

09/609,714

Applicant(s)

HACK ET AL.

Examiner

Michael C. Heck

Art Unit

3623

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 17 August 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-65.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see page 2.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☐ Other: _____.

Susanna Diaz
SUSANNA M. DIAZ
PRIMARY EXAMINER
Au 3623

The Applicant argues that "a business view depicting a plurality of interlocking polygons illustrating interactions between the participants, the polygons being positioned relative to each other to define the participants for the interaction" is a patentably distinct feature of the claimed invention. However, the Examiner's position is that the claimed invention as written is a picture or graph with drill down features displayed on a computer where the features of the "picture or graph" are further identified as to the information displayed and that the use is for assisting collaboration between participants. As indicated in the Final Office Actions, the polygon shape of the graph features is non-functional descriptive material and not functionally involved in the steps recited nor do they alter the recited structural elements. A polygon by definition is any plane shape with straight sides, such as a triangle, square, pentagon, hexagon, etc. A polygon, whatever shape it is, does not determine what the interactions are and who the participants are. It is merely a shape used for display purposes. In fact, as written, the interactions would not change if circles were used. Therefore, the shape is considered non-functional descriptive material. However, White (White, VIT SeeChain Portal: An Information Portal for the Enterprise, DataBase Associates International, Inc. Version 2, August 1999 [GOOGLE and WAYBACK MACHINE]) shows a Web-based display with polygons linked to each other in a hyperbolic tree structure so users who wish to navigate quickly and drill down through a large number of information objects can do so with the least amount of effort (White: Para 15 and 22). White and PR Newswire (PR Newswire, VIT Announces SeeChain™ Product Line – Five Supply Chain Performance Applications, PR Newswire, New York, 14 June 1999 [PROQUEST]) teach VIT SeeChain Portal, which is an enterprise information portal (EIP) that helps organize and find corporate information in the set of systems that constitute the business information supply chain. The flexible architecture of the VIT SeeChain Portal enables it to be used for a wide variety of applications, ranging from the enterprise-wide monitoring of business processes to the exchange of business information between trading partners. The users employ the knowledge view (Kview) interface of SeeChain Portal. The hyperbolic tree paradigm used by this interface is faster to navigate and is capable of displaying considerably more information. The hyperbolic tree is organized by subject area, topic, and collection, and the user can right-click on a collaboration name to view the business information or to place an information delivery subscription order (White: Para 2, 22 and 32). Through the intuitive Web-based interface, VIT's SeeChain applications place actionable supply-chain measurement information at the fingertips of the business managers, executives, suppliers, and customers – across organizations, product lines and distribution centers. The Web-centric applications are the first to allow business managers and executives to see and collaborate across the total supply chain (PR Newswire: Para 1 and 5)